

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2123 of 2019

Arising Out of PS. Case No.-1090 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Shambhu Narayan Rai son of Late Badri Mahto R/o Road No. 21 in the
house of Bihari Thakur, P.S.- Gardanibag, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar And Anr Bihar
2. Dinesh Kumar Late Devnandan Singh Resident of Mohalla- Ram Jaipal
Nagar, Gola Road, P.S.- Rupashpur, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

For the Opposite Party/s : Mr.Satya Nand Shukla (App130)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 17-04-2019 Heard the parties.

The petitioner is apprehending his arrest in connection
with Complaint Case No.1090©/2017 dated 12.4.2017 ,
registered for offences punishable under Sections 406, 420 of
the Indian Penal Code.

Allegation as per the complaint petition is that the
complainant has entered into an agreement with the petitioner
for purchase of a land on consideration money of Rs.24,25,000/-
and he has paid Rs.3,40,000/- to the Vaibhav Enterprises and
Rs.06 lac in cash to the petitioner and in spite of that neither he
has returned the money nor he has executed the sale deed after
taking money.



Submission of the learned counsel for the petitioner is that he has been falsely been implicated in this case and whatever allegation is about payment of Rs.3,40,000/- paid to Vaibhv Enterprises, which is run by the nephew of the petitioner and secondly on the ground that though the complainant has option to move before the learned civil court for specific performance of the contract but he has filed the present case, which is not at all maintainable

Heard learned A.P.P. as well as learned counsel for the informant and they have drawn my attention towards the agreement, which shows the acceptance of taking of Rs.04 lac but spite of that he is not executing the sale deed..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Patna in connection with Complaint Case No.1090©/2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition that the petitioner has to appear before the learned



court below during the trial as and when required, otherwise his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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